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March 30, 2023

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Agenda No. 20
11/15/22

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: Ordinance Amending Title 11 – Health and Safety of the
Los Angeles County Code**

Dear Board of Supervisors:

On November 15, 2022, your Board directed our office, in consultation with the Department of Public Health, to prepare an ordinance that will continue the anti-retaliation protections for workers engaged in Public Health Council activities beyond the end of the Board's COVID-19 local emergency and expand the County's Public Health Council Program's purpose to be inclusive of educating and informing workers on public health protections and public health related emergencies, and to report back in 90 days on the effects of such amendments.


Enclosed please find for your consideration the analysis and ordinance amending Title 11 - Health and Safety of the Los Angeles County Code to:
(1) amend the definition of Public Health Council to continue the anti-retaliation protections for Public Health Councils beyond the termination of the COVID-19 local emergency ratified by the Board of Supervisors on March 4, 2020; and
(2) expand the Public Health Council's purpose to be inclusive of

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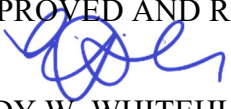
educating and informing workers on public health protections and public health-related emergencies. The Department of Public Health concurs with the amendments set forth in the proposed ordinance.

Very truly yours,

DAWYN R. HARRISON
County Counsel

By 
MARGARET F. AMBROSE
Principal Deputy County Counsel
Health Services Division

APPROVED AND RELEASED:

 for
JUDY W. WHITEHURST
Acting Chief Deputy

MFA:jj

Attachments

ANALYSIS

An ordinance amending Title 11 – Health and Safety of the Los Angeles County Code to: (1) amend the definition of Public Health Council to continue the anti-retaliation protections for Public Health Councils beyond the termination of the COVID-19 local emergency ratified by the Board of Supervisors on March 4, 2020; and (2) expand the Public Health Council's purpose to be inclusive of educating and informing workers on public health protections and public health-related emergencies.

DAWYN R. HARRISON
County Counsel

By 

MARGARET F. AMBROSE
Principal Deputy County Counsel
Health Services Division

MFA:jj

Requested: 1/3/2023

Revised: 3/28/2023

ORDINANCE NO. _____

An ordinance amending Title 11 – Health and Safety of the Los Angeles County Code to: (1) amend the definition of Public Health Council to continue the anti-retaliation protections for Public Health Councils beyond the termination of the COVID-19 local emergency ratified by the Board of Supervisors on March 4, 2020; and (2) expand the Public Health Council's purpose to be inclusive of educating and informing workers on public health protections and public health-related emergencies.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 11.01.015 is hereby deleted in its entirety:

~~11.01.015 — Urgency Findings.~~

~~This urgency ordinance is adopted pursuant to California Government Code section 25123(d). The Board of Supervisors ("Board") finds that this ordinance is necessary for the immediate preservation of the public peace, health, and safety based on the following facts:~~

- ~~1. — COVID-19 is an infectious disease resulting from a novel coronavirus that has caused a widespread, ongoing, global outbreak of illness.~~
- ~~2. — On March 4, 2020, the Chair of the Board proclaimed the existence of a local emergency (Proclamation of Local Emergency) based on conditions of disaster or of extreme peril to the safety of persons and property arising as a result of the introduction of COVID-19 in Los Angeles County. On March 4, 2020, the Board ratified the Proclamation of Local Emergency.~~
- ~~3. — On March 4, 2020, the County of Los Angeles Health Officer ("Health Officer") declared a local health emergency (Declaration of Local Health~~

~~Emergency) based on an imminent and proximate threat to public health from the introduction of COVID-19 in Los Angeles County. On March 4, 2020, the Board ratified the Declaration of Local Health Emergency.~~

~~4.—— On March 4, 2020, the Governor of the State of California proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19.~~

~~5.—— On March 13, 2020, the President of the United States proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency.~~

~~6.—— Since March 16, 2020, the Health Officer has issued and continues to issue a number of COVID-19-related Health Officer Orders to address the increasing and imminent threat to public health and safety as a result of COVID-19.~~

~~7.—— Violations of the County of Los Angeles health officer orders ("Health Officer Orders"), such as the COVID-19-related Health Officer Orders, present immediate threats to the public health and safety. Such violations increase the likelihood that COVID-19 will spread throughout the County and overwhelm our health care systems, cause preventable illnesses and deaths, and inflict economic and social harm on the County. The failure to comply with the provisions of the Health Officer Orders, such as prohibitions or restrictions on certain businesses and workplace activities to slow the rate of COVID-19 transmission, constitutes an imminent threat to public health and is a public nuisance.~~

~~8.—— Prohibiting retaliation against employees who report or discuss noncompliance with the COVID-19-related Health Officer Orders will both promote the~~

~~reporting of such noncompliance and allow the County to more swiftly address the spread of COVID-19.~~

~~9. By encouraging workers to report public health violations without fear of retaliation, this ordinance promotes public health and increases the effectiveness of public health requirements.~~

SECTION 2. Section 11.01.020 is hereby amended to read as follows:

11.01.020 Definitions.

Whenever used in this ~~e~~Chapter, the following words and phrases shall be defined as set forth in this ~~s~~Section.

A. "Worker" means any employee who performs ~~any work~~ for an Employer within the ~~geographic boundaries~~ unincorporated areas of the County of Los Angeles ~~excluding work performed in cities with their own Health Officer or within any city that~~ incorporates the entirety of this ordinance into its municipal code.

B. "Employer" means any person, as defined in section 18 of the California Labor Code, including a corporate officer or executive, who directly or indirectly, or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs any Workers or exercises control over the wages, hours, duties, or working conditions of any Workers. This Chapter and the definition of "Employer" do not apply to federal, ~~s~~State, or local government entities.

C. "Health Officer Order" means any order or protocol issued by the Los Angeles County Health Officer.

D. "Public Health Council" means a group of Workers, not including supervisors or managers, ~~:(1) formed while the Board's Declaration of Local Health~~

~~Emergency, ratified March 4, 2020, related to the COVID-19 pandemic remains in effect; and (2) whose purpose is to educate and inform other Workers for the same Employer regarding any Health Officer Orders related to the COVID-19 pandemic, any protections for Workers under Title 11 of this Code, any local emergency related to public health proclaimed by the Board of Supervisors, or any public health emergency declared by the Los Angeles County Health Officer.~~

SECTION 3. Section 11.01.030 is hereby amended to read as follows:

11.01.030 Retaliation Against Workers Prohibited.

A. No Employer may discriminate in any manner or take adverse action, including but not limited to termination, constructive termination, demotion, pay reduction, or reduction in hours, against any Worker in retaliation for:

1. Reporting to the County of Los Angeles, its Department of Public Health, any other County departments or designees, non-County agencies or entities, the Worker's Employer, other Workers, or Public Health Councils about the Employer's or another Worker's perceived noncompliance with a Health Officer Order, this Chapter, or any other Chapter of Title 11 of this Code;

2. Discussing with the County of Los Angeles, its Department of Public Health, any other County departments or designees, non-County agencies or entities, the Worker's Employer, other Workers, or Public Health Council the Employer's, or another Worker's, perceived noncompliance with a Health Officer Order, this Chapter, or any other Chapter of Title 11 of this Code;

3. Belonging to or forming a Public Health Council;

4. Informing any Worker of his or her rights under this Chapter or any other Chapter of Title 11 of this Code, or assisting such Worker in exercising such rights; or

5. Exercising any right provided under this Chapter; or

6. Discussing with another Worker a local emergency related to public health proclaimed by the Board of Supervisors or a public health emergency declared by the Los Angeles County Health Officer.

B. The protections of this ~~s~~Section shall apply to all communications ~~as and~~ actions of a Worker set forth above in subsections A.1 through and including A.56 that ~~makes based on a~~ are made in good faith ~~belief that the Worker's Employer is not in compliance with a Health Officer Order, this Chapter, or any other Chapter of Title 11 of this Code, even if such belief is mistaken.~~

C. Taking adverse action against a Worker within 90 days of the Worker's exercise of rights protected under this ~~s~~Section shall raise a rebuttable presumption of having done so in retaliation for the exercise of such rights.

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